

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

9 WRIT PETITION NO.10714 OF 2021

RUPESH CHANDRASHEKHAR KARANJE,
THROUGH GPA HOLDER RATNADEEP SIDRAMAPPA UTGE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Mr. Vinayak Sudhakar Bedre.

AGP for Respondent/State: Mr. S. P. Tiwari.

Advocate for Respondent No.4 : Mr. Hanmant V. Patil.

...

CORAM : **S. V. GANGAPURWALA &
R. N. LADDHA, JJ.**

DATE : 04th October, 2021.

P.C.:

. The petitioner is assailing the order canceling the construction permission and asking the petitioner to demolish the construction.

2 Mr. Bedre, learned counsel submits that the petitioner was issued with construction permission after following due procedure of law. Abruptly, without issuing notice to the petitioner, the petitioner's construction permission is canceled. The principles of natural justice are not adhered to.

3 Mr. Patil, learned counsel for Municipal Corporation submits that respondent No.4 has communicated to the Deputy Collector, Latur to fix the market value of the disputed property so that the acquisition

proceedings can be initiated. No prejudice would be caused to the petitioner as he would be adequately compensated as per the provision of the Unified Development Control and Promotion Regulation, 2020.

4 The power vests with the planning authority to revoke or modify the permission already granted, but subject to giving an opportunity of hearing to the concerned person.

5 In the present case, admittedly, opportunity of hearing has not been given to the petitioner and straightway the construction permission has been cancelled and further the petitioner is directed to demolish the construction. The principles of natural justice are not adhered to nor Section 51 of the MRTP Act is followed.

6 In light of the above, we pass the following order:

ORDER

- I. The impugned order shall be construed as show cause notice to the petitioner.
- II. The petitioner within seven days shall file his reply.
- III. After getting the reply from the petitioner within seven

days, the respondent Corporation shall give opportunity of hearing to the petitioner preferably within fifteen days and shall take decision with regard to the cancellation/modification of the construction permission to the petitioner on its own merits, preferably within one month.

- IV. Till the final decision is taken by the Corporation as observed above, the *status-quo* with regard to the writ property be maintained.
- V. It is made clear that the petitioner shall also not make further construction nor the respondent Corporation shall take steps for demolition of the same.
- VI. The parties may take further steps pursuant to the decision that would be taken by the Corporation.
- VII. All contentions kept open.
- VIII. The writ petition is disposed of. No costs.

[R. N. LADDHA, J.]

[S. V. GANGAPURWALA, J.]